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8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA

11           SHEEBA B. ORIKO,

12           Plaintiff,

13           v.

14           STARBUCKS CORPORATION, a  
15           Washington corporation; and HEATHER  
16           PEABODY,

17           Defendants.

Case No. C07-5230FDB

ORDER DENYING PLAINTIFF'S  
MOTION TO SEAL THE RECORD

17       Plaintiff's claims against Heather Peabody were dismissed on August 13, 2007. Plaintiff's  
18       defamation claim was dismissed on October 31, 2007. On April 29, 2008, Plaintiff sought to remove  
19       her attorney of record, which was granted on May 5, 2008 along with granting an extension of time  
20       to June 5, 2008 to complete discovery. Defendant Starbucks then moved for summary judgment on  
21       June 12, 2008. On June 27, 2008, Plaintiff filed a notice of dismissal [Dkt. # 59]. On July 7, 2008  
22       [Dkt. #s 51 & 52], Plaintiff filed responses to the summary judgment motion setting forth certain  
23       personal problems with her two counsel of record and her illness at that time, and also setting forth  
24       her contentions regarding her lawsuit. Although, on the record before it, the Court did not find  
25       Plaintiff's case compelling, nevertheless it allowed the case to be dismissed {Dkt. # 65}.

26       ORDER - 1

1 Plaintiff now moves to seal the record in this case. Plaintiff asserts that she has not been able  
2 to obtain employment owing to the negative impact that her lawsuit has had on her efforts to find  
3 work. Plaintiff therefore requests that the Court direct the Clerk to seal the record.

4 A protective order sealing documents may be available upon the party showing “good cause,”  
5 that is, a clear showing of a particular and specific need for the order. *Blankenship v. Hearst Corp.*,  
6 519 F.2d 418, 429 (9<sup>th</sup> Cir. 1975). Even if “good cause” is shown, a court must still balance the  
7 interests in allowing discovery against the relative burdens to the parties (and non-parties). *Wood v.*  
8 *McEwen*, 644 F.2d 797, 801-02 (9<sup>th</sup> Cir. 1981). Most courts recognize a presumption of public  
9 access to court records based on common law and First Amendment (free press) grounds. *See Nixon*  
10 *v. Warner Comm., Inc.*, 435 U.S. 589, 597 (1978); *Phillips ex rel. Estates of Byrd v. General*  
11 *Motors Corp.*, 307 F.3d 1206 1212 (9<sup>th</sup> Cir. 2002). Some courts distinguish between dispositive and  
12 nondispositive pleadings and motions and hold that “compelling reasons” must be shown to seal  
13 judicial records attached to a dispositive motion (e.g. for summary judgment), and such reasons may  
14 include using the records “to gratify private spite, promote public scandal, circulate libelous  
15 statements, or release trade secrets.” *Kamakana v. City & County of Honolulu*, 447 F.3d 1172,  
16 1179 (9<sup>th</sup> Cir. 2006).

17 Under the circumstances of this case, Plaintiff has failed to show compelling reasons to seal  
18 the record herein. In seeking dismissal of this case, Plaintiff acknowledged that through the  
19 discovery process, she believed that the Defendants realized that they wronged her, and she frankly  
20 conceded that “I also see some reasons why they ended my employment.” [Dkt. # 59] Plaintiff was  
21 given a great deal of leeway in this case, and in dismissing the case, the Court admonished Plaintiff  
22 that just because she was pro se, she did not have unimpeded leeway to proceed as she saw fit in the  
23 case. The Court has dismissed a defendant and a claim in this case and allowed Plaintiff a dismissal  
24 at a late stage after Starbuck’s summary judgment motion had been fully briefed. Now – almost a  
25 year later – Plaintiff has reservations about having brought the case and seeks to have the record  
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1 sealed as though it never happened so that she does not have to deal with any consequences that she  
2 attributes to her having filed this case in the first place. Plaintiff has failed to show good cause to  
3 seal the record in this case and to overcome the presumption of public access to court records.

4 ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion To Seal The Record [Dkt. # 67] is  
5 DENIED.

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7 DATED this 16<sup>th</sup> day of June, 2009.

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10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE

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ORDER - 3